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2 *E-Filed 7/18/13*
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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN FRANCISCO DIVISION

10 LARRY REDIC, No. C 08-5010 RS (PR)

11 Petitioner,
12 v.

**ORDER DENYING MOTION TO
DISMISS CERTAIN CLAIMS**

13 JOHN MARSHALL, Warden,
14 Respondent.

15 _____ /
16 Respondent's motion to dismiss certain claims on grounds of procedural default
17 (Docket No. 55) is DENIED without prejudice. Respondent may raise these issues in his
18 answer to the petition.

19 Respondent's answer addressing the merits of the petition shall be filed on or before
20 October 18, 2013. Petitioner's traverse shall be filed within 30 days after the answer is filed.
21 If, rather than filing an answer, respondent wishes to file a motion to dismiss on grounds
22 other than procedural default, such motion shall be filed on or before October 18, 2013.
23 Petitioner shall file any opposition to such motion within 30 days after the motion is filed.
24 The Clerk shall terminate Docket No. 55.

25 **IT IS SO ORDERED.**

26 DATED: July 18, 2013


27 RICHARD SEEBORG
United States District Judge
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